



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

**PUBLIC NOTICE OF APPLICATION for**  
**STATE OF WASHINGTON WATER QUALITY CERTIFICATION**  
**and COASTAL ZONE MANAGEMENT ACT CONSISTENCY**

August 26, 2005

Interested parties are hereby notified that the following applications have been received for a water quality certification in accordance with Section 401 of the Federal Clean Water Act, pursuant to the requirements of WAC 173-225. For projects in the 15 coastal counties, these applications will also be reviewed for coastal zone consistency in accordance with Section 306 of the Coastal Zone Management Act.

This public notice does not indicate that Ecology or other State agencies have agreed with the proposed projects. This notice is only intended to inform the public of proposed projects, and ask for comments by local, state and federal agencies and the public.

**EVALUATION:** The decision to issue, deny or condition the water quality certification (WQC) or concur with the applicant's Coastal Zone Management Act (CZMA) consistency statement, will be based on the following: for WQC, it is necessary for the proposed project to comply with the applicable provisions of the federal Clean Water Act and appropriate State aquatic protection requirements. For a project to be declared consistent under the CZMA program, it must be in compliance with State and Federal Clean Water and Air Acts, the Shoreline Management Act, the State Environmental Policy Act, and other applicable federal and state regulations.

**COMMENT AND REVIEW PERIOD:** Ecology is soliciting comments from the public, State, and local agencies and officials, and other interested parties in order to evaluate the impacts of the activity. Any comments received will be considered to determine whether to approve, condition, or deny a certification for the proposed work, and concur or object to the project's statement of consistency with the CZMA. **Comments should be sent to:**

**Rebekah Padgett**  
**Department of Ecology**  
**3190 160th Avenue SE**  
**Bellevue, WA 98008-5452**  
**e-mail [rpadd461@ecy.wa.gov](mailto:rpadd461@ecy.wa.gov)**

**The comment period will last 21 days, from August 26 to September 15, 2005.**

If you have special accommodation needs or require this document in an alternative format, please call (425) 649-7000, 711 or 1-800-833-6388 (TTY).



August 26, 2005

**The following application has been received for 401 certification and CZMA consistency determination:**

**PROJECT NUMBER:** 200400811

**APPLICANT:** Washington Department of Fish & Wildlife  
Capital Planning & Engineering  
600 Capitol Way  
Olympia, WA 98501

Snohomish County Parks Dept.  
9623 32<sup>nd</sup> Street SE, Building A  
Everett, WA 98205

**CONTACT:** Curtis Wambach, Washington Department of Fish & Wildlife (360) 902-8426

**ECOLOGY PROJECT REVIEWER:** Rebekah Padgett (425) 649-7129

**TYPE OF NATIONWIDE PERMIT:** Nationwide Permits (NWP) #3i, #3ii, Maintenance; #14, Linear Transportation Crossings; and #27, Stream and Wetland Restoration Activities, issued by the U.S. Army Corps of Engineers.

**LOCATION:** Union and Steamboat Sloughs on Spencer Island, Everett, Snohomish County, Washington; located in Sections 21, 22, 15, and 16, Township 29 N., Range 5 E.

**WORK:** Application has been made for water quality certification to authorize estuarine habitat restoration work. The work will include:

- Modification of the cross dike by filling one culvert, constructing a 40- to 50-foot opening, and bridging the resulting opening; construction of large breaches in the exterior dike at the northern end of Spencer Island;
- Construction of upland habitat ("habitat fingers") to replace that lost through dike breaching. These habitat fingers will provide game trails, waterfowl nesting surface, access for hunters and hikers, edge habitat, and wildlife viewing opportunities. The fingers will be 4 feet wide at the top with 5:1 slopes and will fill 73,500 square feet of wetlands;
- Disabling drainage ditches to encourage natural filling of the existing ditches and formation of drainage paths; and
- Possibly add a small breach at an existing culvert location in the exterior of the western dike along Union Slough (Phase II).

The proposed project is described in more detail in the Joint Aquatic Resources Permit Application dated August 15, 2005.

**PURPOSE:** Re-establish approximately 250 acres of estuarine habitat within the Snohomish River estuary.

**APPEALS:** If the water quality certification is issued, any person aggrieved may obtain review thereof by appeal. The applicant can appeal up to 30 days after receipt of the permit, and all others can appeal up to 30 days from the postmarked date of the permit. The appeal must be sent to the Washington Pollution Control Hearings Board, PO Box 40903, Olympia WA 98504-0903. Concurrently, a copy of the appeal must be sent to the Department of Ecology, Enforcement Section, PO Box 47600, Olympia WA 98504-7600. These procedures are consistent with the provisions of Chapter 43.21B RCW and the rules and regulations adopted thereunder.